

**Town of Crested Butte**  
**Regular Town Council Meeting**  
**Minutes**  
**Monday, November 18, 2013**  
**Council Chambers, Crested Butte Town Hall**

Mayor Huckstep called the meeting to order at 7:06 p.m.

Council members present: Jim Schmidt, David K. Owen, Roland Mason, John Wirsing (past member) Shaun Matusiewicz, Chris Ladoulis (current member) and Glenn Michel.

Staff present: Todd Crossett, Town Manager; John Belkin, Town Attorney; and Shelley Jansen, Town Clerk.

Staff present for part of the meeting: Lois Rozman, Finance Director; and Bob Gillie, Building and Zoning Director.

**RECOGNITION OF A PAST COUNCIL MEMBER**

John Wirsing was recognized for his 4 years of being a councilmember.

**APPROVAL OF NOVEMBER 4, 2013 MINUTES**

Schmidt moved and Mason seconded to approve the agenda.

A roll call vote was taken with all voting "Yes." **Motion Passed.**

**SWEARING OF NEW TOWN COUNCIL MEMBERS**

Town Clerk Jansen read the Oath of Office to Mayor Huckstep, Chris Ladoulis, Roland Mason and Jim Schmidt.

**APPROVAL OF AGENDA**

Schmidt moved and Ladoulis seconded to approve the agenda.

A roll call vote was taken with all voting "Yes." **Motion Passed.**

**APPOINTMENT OF THE MAYOR PRO-TEM**

Town Council recommended Jim Schmidt to continue as Mayor Pro-Tem.

Mason moved and Ladoulis seconded to appoint Jim Schmidt as Mayor Pro-Tem.

A roll call vote was taken with all voting "Yes." **Motion Passed.**

**CONSENT AGENDA**

1) Ratification of Services Agreement with Crested Butte Towing and Transport, LLC, d/b/a CB Towing.

Owen moved and Schmidt seconded to approve the consent agenda.

A roll call vote was taken with all voting "Yes." **Motion Passed.**

## **PUBLIC COMMENTS**

NONE

## **STAFF UPDATES**

Rodney Due-

- Attended a DOT meeting in Montrose for 2 possible future projects-1) Resurfacing of Hwy 135 from CB South to CB (targeted as a growth area) and 2) A turn off road to access Red Lady (top six projects currently on the list to be done in the next 10 years-high priority). DOT will be distributing surveys to see if the community also believes it is a high priority. Hwy 50 west of Gunnison is also a top priority.
- Colorado Oil and Gas Commission meeting in Glenwood Springs. Due is the Local Government Designee.
- Schmidt asked if the Pedestrian path from CB to CB south is also included in the DOT projects. Gillie stated that pedestrian paths are not a high priority for DOT and is not on the list.

Jake Jones-

- Owen asked Jake Jones about the holiday lighting and Jones stated that there will be more lights going up this year than the past. Jones stated that there will be lights on every light posts with wreaths and lights on trees at the 4-way.

Bob Gillie-

- Jessie and Molly submitted a Certified Local Government grant with the intent to train realtors in an accredited Historic Preservation workshop.

Tom Martin-

- RE1J is hiring a crossing guard for Red Lady and 6th Street and looking for volunteers to help until a crossing guard is hired.
- Bear activity has been limited in Town.
- Thanks to Rodney's snowplowing crew for plowing over the weekend when they usually don't begin until the week of Thanksgiving.
- Michel stated that in past years he has received multiple flyers on his car educating him on the winter parking regulations and this year he has not received those flyers. Martin stated that the Marshall's office will be distributing flyers on vehicles in regards to winter parking reminders, but will do so the week of Thanksgiving.

Lois Rozman-

- Stated that 3<sup>rd</sup> quarter Budget Update is within the e-packet. Sales tax for September was down by 5%, but overall the Town is in good shape for 2013.

Shelley Jansen-

- Town administratively approved the Crested Butte Avalanche Center Beacon Bash on December 1, 2013.
- Last meeting you were supplied with the Town's first November newsletter by Kathy Napoli.
- Jansen stated that on your desk you will find an updated Council contact list and the current Boards and Committee List to review, please let her know if there are any changes.
- New Wi-Fi password for Council Chambers.

Todd Crossett-

- On November 15, 2013 a letter was submitted to Monica Sheets, Hazardous material and Waste Management Division of the Colorado Department of Public Health and Environment (CDPHE). The letter stated that before the state makes a final decision, the Department should have additional information regarding the potential impact of the proposed molybdenum mine on the site, a greater understanding of water flows on Mt. Emmons and their interplay with the subject property, the consent decree relating to the operation of the water treatment plant, and the proceedings before the U.S. Forest Service and their relationship to remediation of the site. The state is under pressure, but there is not a two week time period on the table.
- The letter also stated that by December 15, 2013 information on (a) the efficacy of using passive treatment systems on other similar sites to meet water quality standards, and (b) the impact of applicant's proposed remedial action on water flows on the Mountain and possible effect on drinking water in some parts of the adjacent region.
- In addition, the community supports Dr. Wolk's recommendation that the Department ask agency staff at the Water Quality Control Division and others who have overseen the effluent permitting at the site to participate in the review. The letter also stated that it may also be advisable to have an official from the Division of Reclamation, Mining & Safety assist with this project.
- Attended a Club 20 meeting to discuss enhancing broadband in the Western Slope rural communities.
- Attending a meeting Friday with DOLA and Region 10 also looking at enhancing broadband.
- Looking into a concept of a business incubator center in Crested Butte to help support potential businesses.
- The Community Summit went well. About 80 people were in attendance and it identified things that are working well such as, but not limited to--schools, Town Hall, Parks and Recreation Programs, safety and Law Enforcement. Things that need improvement, but not limited to--transportation, broadband, increase collaboration up and down the valley, airlines and increase economic diversity/sustainability. Dan Marshall, Director of the Chamber will be doing a Summit in Mt. CB, Riverland and CB South and a follow up meeting in Town in January.
- Thanks to staff for volunteering for Crossing Guards.

## **NEW BUSINESS**

1) Ordinance No. 24, Series 2013-An Ordinance Amending Chapter 6, Article 4 of the Crested Butte Municipal Code Relative to the Number of Permitted Outdoor Vendors on Public Property at Sixth Street and Elk Avenue and the Allowance for the Sale of Certain Non-Foodstuff from Foodcarts Where Certain Conditions are Met.

Council asked how this would work and how it will be monitored. Council was also concerned about limiting the permits.

Matusiewicz moved and Schmidt seconded to set Ordinance No. 24, Series 2013 to a public hearing on December 2, 2013.

2) Ordinance No. 25, Series 2013-An Ordinance Amending Chapter 16, Article 5 of the Crested Butte Municipal Code to Permit Residential Units Allowed as a Conditional Use in the "T" Tourist District to Comprise 100% of the Floor Area in Any Building Where Certain Conditions are Met.

The council needed clarification as to what exactly the ordinance was trying to do. Attorney Belkin stated that this is changing the intent of the T-zone district.

Discussion ensued of the affects of changing the intent of the T-zone.

Ladoulis asked if the staff had looked at a new zone to identify, such as a T1 zone. Gillie stated that was not a consideration.

Owen stated that the percentage in the staff report and in the ordinance does not match. Gillie stated that it is easier to start off with a narrow focus and expand. The staff will vet out the appropriate percentage. Gillie stated that 90% of all the zoning changes come from a request.

At the public hearing on December 2, 2013, Matusiewicz requested a financial breakdown of what would be the financial loss if changed to a T-zone and information on what the sewer and water effects will be on the Town.

Schmidt stated that the overwhelming priority is to provide a good life to everyone in Town.

Michel moved and Schmidt seconded to set Ordinance No. 25, Series 2013 to a public hearing on December 2, 2013.

3) Ordinance No. 26, Series 2013-An Ordinance Authorizing the Short Term Borrowing of Funds Not to Exceed \$160,000.00 and the Expenditure of Such Funds for Purposes of Purchasing a Certain 2014 International Dump Truck By Way of a Lease to Purchase Arrangement.

Matusiewicz moved and Owen seconded to set Ordinance No. 26, Series 2013 to a public hearing on December 2, 2013.

4) Ordinance No. 27, Series 2013-An Ordinance Authorizing the Purchase by the Town of Crested Butte from the Trust for Public Land those Certain Lands Included in "Phase III" of the Kochevar Properties Purchase Legally Described as Township 13 South, Range 86 West, 6<sup>th</sup> P.M., Section 28: E1/2NE1/4; Except that Portion of the 70.2 Acre Tract Recorded at Reception No. 599303 and 599304, Lying Within E1/2NE1/4, County of Gunnison, State of Colorado.

Matusiewicz moved and Schmidt seconded to set Ordinance No. 27, Series 2013 to a public hearing on December 2, 2013.

5) Ordinance No. 28, Series 2013-An Ordinance Approving the Second Amended and Restated Deed of Conservation Easement Granting a Conservation Easement to the Crested Butte Land Trust for the Lands Referred to as "Phase III" of the Kochevar Properties Purchase by the Town of Crested Butte From the Trust for Public Land Described as Township 13 South, Range 86 West, 6<sup>th</sup> P.M., Section 28: E1/2NE1/4; Except that Portion of the 70.2 Acre Tract Recorded at Reception No. 599303 and 599304, Lying Within E1/2NE1/4, County of Gunnison, State of Colorado.

Schmidt moved and Mason seconded to set Ordinance No. 28, Series 2013 to a public hearing on December 2, 2013.

6) Discussion & Possible Action Regarding Policy Governing Communication Concerning Mt. Emmons Mine.

Ladoulis asked if this policy will solve the problem and some of the wording implicates potential issues. Owen intended that this policy would be specific to the mine and keep the community united to protect the water shed.

Schmidt stated that he disagrees with many of the statements in the policy and it is cumbersome. Schmidt requests a retreat or a work session to further discuss this policy.

Mason stated that he agrees that the general conversation needs to happen and a retreat is an appropriate venue.

Michel stated that we do need to revisit our rules and policies with communication in our handbook at a retreat. Michel stated that we should have a retreat and then brainstorm on a communication policy with other stakeholders.

Mayor Huckstep agreed to a retreat to set Council policy/procedures and objectives.

Owen stated that he doesn't have a problem in discussing it at a retreat. Owen asked if it is appropriate to have an elected official at the table during political discussions. Owen stated that this policy was created to share with the public how communications will be disseminated. Owen stated that he would hope that items of the proposal would be vetted out in a public forum.

Susan Eskew was shocked at what she saw in the two newspapers when she returned and asked the council to have a conversation in public about the VCUP application. Eskew asked how everyone came to blame HCCA? Mayor Huckstep stated that no one has blamed HCCA. Eskew stated that she is on the County Planning Commission and wondering if they could have a 1041 review of mining, similar to Oil and Gas. Mayor Huckstep stated that the Town does have a process for the Town to step in. Eskew asked as a citizen, how do I have a voice about the VCUP issue? Manager Crossett stated that Monica Sheets, CDPHE will possibly be organizing a public community hearing in Crested Butte in the near future.

Eskew stated that coal mitigation and hard rock mining mitigation are two completely different issues.

Jim Starr stated that this VCUP situation gives us an opportunity to talk to all parties to study the viability of the VCUP application. Starr stated that the reality is that the community will need to treat whatever comes out of the mine to take the mineral rights out of play.

Discussion ensued on the US Energy VCUP application.

Sue Navy stated that when someone looks at the VCUP application in depth there is a lot of language in there that needs to be studied.

## **LEGAL MATTERS**

NONE

## **COUNCIL REPORTS AND COMMITTEE UPDATES**

Matusiewicz-

- At the CB/Mt. CB Chamber of Commerce meeting tomorrow morning, Matusiewicz stated that he will be giving a report and can stay the whole meeting to report back to the Council, unless Ladoulis wants to attend? Ladoulis stated that he will try and attend.

Owen-

- The Gunnison City Council donated \$5,600 towards predevelopment funds for the affordable housing project at the north end of the valley as a sign of up valley and down valley collaboration. A week ago Wednesday there was a luncheon with the CHFA representative, Denise Rome-Tanulis. Rome-Tanulis was very impressed with all the collaboration between all the entities in the County for the CB Affordable rental project.

Mason-

- There was an RTA meeting on Friday, November 8 and RTA decided to accept the grant from the Small Community Development (SCD). This funding will go to summer air service from Houston to Gunnison with two overnight flights a week, one on Wednesday and one on Saturday beginning on June 20-August of 2014. RTA is hoping that this will aid in consistency of passengers for flights in future years. RTA designated \$235,000 with a cap, approximately \$140,000 from RTA with \$70,000 out of RTA for a matching

grant. RTA does not want to see our winter seats decline. The grant also includes funds for marketing.

- Schmidt stated that he is impressed that the airline is willing to do it twice a week. Mason stated that prices will be around \$390 per ticket and there will be 70 seats in and 66 seats out due to loads on the aircraft. Mason also stated that fuel prices are forecasted to go down in the summer of 2014. RTA will be also be running six per day bus shuttles from Gunnison to CB and stopping at CB South beginning in the summer at no cost to CB South.

Ladoulis

- Thanks to everyone and he is looking forward to being a part of the Council.
- Business Opportunity Conference on Saturday, November 30, 2013 from 9:30 a.m.-1:30 p.m. at Bacchanale. The Business Opportunity Conference purpose is to discuss immediate business and economic opportunities in the valley.

Mayor Huckstep

- Received an e-mail for grants and forwarded to Manager Crossett
- Mayor Managers meeting was hosted by the Town of Crested Butte last week.
- Michel and Huckstep signed up for a class in how state officials deal with emergencies.
- The next County training is a 4-day class for post-emergencies at a total cost of \$2,300. Let Manager Crossett know if you would like to attend and the County will break down the cost per participant when they know how many individuals sign up.

#### **OTHER BUSINESS TO COME BEFORE THE COUNCIL**

Mayor Huckstep stated that Gunnison County is having a Sage Grouse public hearing in Gunnison tomorrow.

#### **DISCUSSION TO SCHEDULE FUTURE WORK SESSION TOPICS COUNCIL MEETING SCHEDULE**

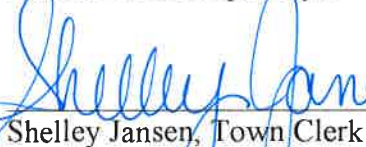
Monday, December 2, 2013-6 p.m. Work Session-7 p.m. Regular Council

Monday, December 16, 2013-6 p.m. Work Session-7 p.m. Regular Council

#### **ADJOURNMENT**

Mayor Huckstep adjourned the meeting at 9:40 p.m.

  
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Aaron J. Huckstep, Mayor

  
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Shelley Jansen, Town Clerk

(SEAL)

